



ENCLOSURE
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U.S. DISTRICT COURT

8/18/08

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

MEMO ENDORSED

August 14, 2008

By Hand

The Honorable Lawrence M. McKenna
United States Courthouse
500 Pearl Street, Room 1640
New York, New York 10007-1312

RECEIVED
IN CHAMBERS

AUG 14 2

LAWRENCE M. MCKENNA

Re: *United States v. \$25,475.07 Civ. 2802 (LMM)*

Dear Judge McKenna:

The Government respectfully writes concerning its motion for default judgment in the above-referenced civil forfeiture action. Ronald Leon and/or Patricia Murray ("Leon" and "Murray"), who have not filed a claim in this action, have filed an opposition to the motion.

Although Leon and Murray were properly served notice of this civil forfeiture action and did not file a claim within the requisite time periods, the Government respectfully requests, in the interest of avoiding further litigation, permission to withdraw its default judgment motion without prejudice. The Government also requests that the Court order that any claim by Leon and/or Murray in this action must be filed within 30 days of the Court's order.

A proposed order is attached. In light of this request, the Government also respectfully requests, on consent, that the conference scheduled for Monday, August 18, 2008, at 3 p.m. be adjourned for 60 days.

*Conference adjourned
to 10/17/08 at 2:30 P.M.
So ordered.*

[Signature]
8/18/08

By:

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

[Signature]
Anna E. Arreola
Assistant United States Attorney
(212) 637-2218

Enclosure

cc: Daniel T. Mentzer, Esq.